

ATTACHMENT I

Brewer & Pritchard

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27 March 2012

Col. C. S. Dowling
Commanding Officer
Weapons and Field Training Battalion
Edson Range, Box 555181
Camp Pendleton, California 92055-5181

Re: Administrative Separation of Sgt Gary Stein

Dear Sir,

I have been retained by Sgt Gary Stein to represent him at his pending administrative separation board. We request a delay of up to ten days to adequately prepare for the hearing. This request is based upon several considerations. First, the detailed military counsel, Capt Grey, is occupied with a separate administrative hearing on 27 March and will be in Twenty nine Palms during 29-30 March. His appointment to the case occurred only on Friday, 23 March. Second, my own attachment to the case began only on 26 March and I will require additional time to get up to speed on the facts and law of the case. Third, critical evidence, specifically the entirety of the 1 March 2012 Facebook posts (as opposed to the single page of posts currently available) must be retrieved from Facebook.com in order to put the comments in the proper context. Fourth, we need time to assemble witnesses as to Sgt Stein's performance of his military duties during his current enlistment as well as witnesses who would testify as to the impact Sgt Stein's public comments have had on unit discipline and service reputation. Fifth, it is our intention to request an advisory ethics opinion from the cognizant judge advocate to submit to you and the board.

Per paragraph 6304.3.b of MCO P1900.6, Sgt Stein is permitted to have civilian counsel present with him at the board hearing unless the presence of civilian counsel would unduly delay the administrative separation board proceedings. A delay of up to ten days is not unreasonable in the present circumstances. Four of the five considerations outlined above argue in favor of an extension without regard to the addition of civilian counsel to the case. The proposed delay would be in keeping with the spirit of the procedural protections of MCO P1900.6 and would allow an eight-year veteran an opportunity to fairly present his case before the board makes a decision with far reaching and permanent consequences.

Sincerely,


J. Mark Brewer